

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of _____ )	
Implementation of Section 621(a)(1) of _____ )	
the Cable Communications Policy Act of 1984 _____ )	MB Docket No. 05-
311	
as amended by the Cable Television Consumer _____ )	
Protection and Competition Act of 1992 _____ )	

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**COMMENTS OF METROPOLITAN EDUCATIONAL ACCESS CORPORATION**

These Comments are filed by Public, Educational and Governmental (PEG) Access Oversight Committee of Nashville, Davidson County, Tennessee (“Nashville PEG”), in support of the comments filed by the Alliance for Community Media (“Alliance”), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors (“NATOA”), and other national local government organizations. Like the Alliance, Nashville PEG believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access (“PEG”) services in our community.

**Cable Franchising in Our Community**

**Community Information**

Nashville, Tennessee is a Metropolitan Government with a population of 569,891 according to the 200 census. Our franchised cable provider is Comcast. Our community has negotiated cable franchises since 1980.

**Our Current Franchise**

Our current franchise began on April 18, 1995 and expires on April 18, 2010.

Our franchise requires the cable operator to pay a franchise fee to the Metropolitan Nashville, Davidson County in the amount of five percent (5%) of the cable operator’s gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental (“PEG”) access channels on the cable system. We currently have one (1) channel devoted to public access; two (2) channel devoted to educational access; and one (1) channel devoted to government access

Our franchise requires that our PEG channels be supported in the following ways by the cable operator:

The cable operator pays \$100,000 annually which supports the operation of the PEG studio. In addition, the cable operator provided an initial grant of \$600,000 that was used by Nashville to construct a studio and purchase necessary equipment for its operation.

**Educational Access Television**

The access service provided by Nashville PEG through its three partners that operate the four access channels is extensive. In our most recently completed fiscal year, the Metropolitan Educational Access Corporation (MEAC) has produced scores of hours of new local programming on its two channels, which focus on arts and education, respectively. Highlights of our programming and services include:

Dedicated channel capacity for non-profit organizations to air locally-produced programming.

An interview show with interviews from world-class artists appearing on the Great Performances Series at Vanderbilt.

A concert series featuring performances by world-class musicians at the Blair School of Music at Vanderbilt University.

Unique non-local programming available via satellite feed on education and the arts.

In addition, future plans include programming on local neighborhoods, German cooking and exercise and obesity, documentaries on the Curry Ingram School (learning disabilities Center) and the Historic Germantown restoration.

Staff-produced shows on leadership and vision hosted by well known citizens interviewing prominent local leaders in business, government, higher education and the community.

Video production facilities including studio, field and editing.

Production and transmission of PSAs for local non-profit groups.

## **Conclusions**

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Nashville/Davidson County. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The Metropolitan Nashville PEG Committee therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local

government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community’s property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Metropolitan Educational Access  
Corporation

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